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**From:** Tony Cox [tcoxdenver@aol.com]  
**Sent:** 10/19/2018 1:38:45 AM  
**To:** Sean Reilly [sreilly@eenews.net]  
**CC:** Yeow, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=613120791828428b8cbfd6178910d97e-Yeow, Arron]  
**Subject:** Re: CASAC

Thank you, Sean!

Best,

-- Tony

On Oct 18, 2018, at 4:42 PM, Sean Reilly <[sreilly@eenews.net](mailto:sreilly@eenews.net)> wrote:

Hi Tony:

Here is the final version of the story, which was just updated:  
<https://www.eenews.net/greenwire/stories/1060103681/>. As in the past, I've pasted the text below in case our subscriber paywall blocks the link from opening. Thank you again for your assistance; please let me know if you have any further thoughts or comments.

Regards,

Sean

## AIR POLLUTION

# U.S. Chamber's pick landed gavel of key EPA advisory panel

Sean Reilly, E&E News reporter

Published: Thursday, October 18, 2018 <image001.jpg>

Dan Byers of the U.S. Chamber of Commerce pushed nominees for a group that advises EPA on clean air rules. National Coal Council/YouTube

*This story was updated at 6:05 p.m. EDT.*

The U.S. Chamber of Commerce, which regularly opposes tougher environmental regulations, last year succeeded in placing one of its candidates on a key EPA air quality committee, newly released records show.

Then-EPA chief Scott Pruitt named Tony Cox, a Denver-based consultant, as chairman of the Clean Air Scientific Advisory Committee last fall after a senior U.S. Chamber executive nominated him for a seat on the panel, the records show.

The seven-member committee, often known by its acronym as CASAC, is charged with providing outside expertise to EPA during legally required reviews of the standards for a half-dozen common pollutants. It's now in the early stages of a closely watched assessment of the limits on airborne particulates.

In an email exchange, Cox said he did not know that the chamber was behind his nomination until E&E News contacted him late yesterday. Cox said he had no information on why the powerful business lobby chose him.

"I hope that it was because of my long-standing commitment to applying objective, transparent, data-driven science and analytics to address important risk analysis questions, along with my insistence on following wherever the data lead," he said.

Putting Cox's name in play was Dan Byers, vice president for policy with the chamber's Global Energy Institute. Byers referred questions yesterday to a spokesman, Matt Letourneau. In a statement, Letourneau said the chamber nominated "preeminent scientists who are experts in their fields with outstanding credentials for EPA's consideration. We had no discussion with these individuals about their views on any particular policy or science issue."

During the Obama administration, the chamber frequently challenged new environmental regulations. In 2013, for example, it went to court in an unsuccessful battle against EPA's decision to tighten particulate standards. It's also a plaintiff in a pending challenge to the agency's 2015 ground-level ozone changes and in a report has denounced limits imposed that same year on hazardous emissions from the brick industry (E&E Daily, Feb. 2, 2016).

Cox was among four candidates whom Byers recommended for CASAC, according to the EPA roster released yesterday. Pruitt instead appointed two of the others — air pollution researcher Robert Phalen and S. Stanley Young, an applied statistician from North Carolina — to the Science Advisory Board, another influential panel. Letourneau confirmed that the chamber had nominated the two men for those seats, as well, but had not asked for Cox to be named CASAC chairman.

Phalen is a professor of community and environmental medicine at the University of California, Irvine. Following his appointment to SAB last November, he came under fire for remarks in an earlier interview in which he said, "Modern air is a little too clean for optimum health."

In a letter to Pruitt early this year, Sens. Tom Carper (D-Del.) and Sheldon Whitehouse (D-R.I.) questioned whether both Cox and Young were fit to serve on their respective EPA panels, based on their scientific credentials and their prior work for the oil business and other polluting industries (Greenwire, Jan. 9).

"The news that the Chamber of Commerce wanted Mr. Cox to sit on the board, amplifies my concerns," Carper, the ranking member on the Senate Environment and Public Works Committee, said in a statement today after this story was initially posted online. "The Chamber lobbies Congress on behalf of some of the same companies Mr. Cox did work for."

Whitehouse, also an EPW Committee member, described the episode as further proof that EPA is now "thoroughly captured by industry," according to a separate statement released by a spokesman.

Phalen did not reply to emailed questions. Young has previously said he is retired and not employed by anyone. In an email today, Young added that he thought he had also nominated himself for both the CASAC and the Science Advisory Board.

"Many of the issues are statistical, and I'm considered an expert on statistics," he said.

Cox, whose specialty is risk analysis, noted that he has done work for EPA, the World Health Organization and universities, but said he did not recall providing services to the U.S. Chamber in the course of a 40-year career.

"I have made no commitments to anyone about CASAC," he said, "other than to the administrator and EPA to do my best to assure that we give objective, dispassionate, high-quality scientific advice without regard for politics, policy, or other considerations that go beyond science."

EPA had formally requested nominations for the Clean Air Scientific Advisory Committee in June of last year. The agency released the resulting list of about 130 candidates, as well as those who nominated them, yesterday, almost a year after E&E News requested the roster under the Freedom of Information Act.

The list shows that most of the candidates were university researchers nominated either by other researchers or EPA staff. The only other advocacy groups to make recommendations were the Energy and Environment Legal Institute, an industry-allied organization critical of tighter air pollution regulations, and the American Thoracic Society, which focuses on lung health issues. None of their respective nominees were chosen.

Besides Cox, Pruitt instead selected James Boylan, manager of planning and support for the Georgia Environmental Protection Division's air branch, and Larry Wolk, who was then the executive director of the Colorado Department of Public Health and Environment. Boylan nominated himself, the roster shows, while Wolk was the choice of Richard Yamada, a high-ranking political appointee at the time in EPA's Office of Research and Development.

The appointments drew unusual scrutiny because they were among the first made by Pruitt under a policy barring active EPA grant recipients from serving on agency advisory committees.

In all, Yamada offered about 10 nominations. They ranged from Mark Frampton, a retired professor of medicine at the University of Rochester who was named to CASAC last week, to Michael Rohan, an orthopedic surgeon in Panama City, Fla.

Carper and Whitehouse have also questioned Yamada's role in the selection process. EPA documents showed that he overrode the advice of EPA career staff in pushing for the appointments to Cox and Wolk to the committee, the two lawmakers wrote in a February letter asking the Government Accountability Office to look into whether such involvement was typical (*E&E Daily*, Feb. 15).

Yamada recently left EPA to take a job at the Defense Department. Efforts to reach him were unsuccessful

**From:** [tcoxdenver@aol.com](mailto:tcoxdenver@aol.com) <[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)>

**Sent:** Thursday, October 18, 2018 10:54 AM

**To:** Sean Reilly <[sreilly@eenews.net](mailto:sreilly@eenews.net)>

**Cc:** [Yeow.Aaron@epa.gov](mailto:Yeow.Aaron@epa.gov)

**Subject:** Re: CASAC

Thanks, Sean,

-- Tony

-----Original Message-----

From: Sean Reilly <[sreilly@eenews.net](mailto:sreilly@eenews.net)>  
To: tcoxdenver <[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)>  
Cc: Yeow.Aaron <[Yeow.Aaron@epa.gov](mailto:Yeow.Aaron@epa.gov)>  
Sent: Thu, Oct 18, 2018 8:52 am  
Subject: RE: CASAC

Received, Tony. I'll forward a copy of the story when it posts this afternoon.

Regards,  
Sean

**From:** [tcoxdenver@aol.com](mailto:tcoxdenver@aol.com) <[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)>  
**Sent:** Thursday, October 18, 2018 10:26 AM  
**To:** Sean Reilly <[sreilly@eenews.net](mailto:sreilly@eenews.net)>  
**Cc:** [Yeow.Aaron@epa.gov](mailto:Yeow.Aaron@epa.gov)  
**Subject:** Re: CASAC

Yesterday, when I received your e-mail.

I was contacted by EPA a little over a year ago to ask whether I would willing to serve in this role, but did not know who had nominated me until I learned it from you.

Best,

-- Tony

-----Original Message-----

From: Sean Reilly <[sreilly@eenews.net](mailto:sreilly@eenews.net)>  
To: tcoxdenver <[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)>  
Cc: Yeow.Aaron <[Yeow.Aaron@epa.gov](mailto:Yeow.Aaron@epa.gov)>  
Sent: Thu, Oct 18, 2018 4:48 am  
Subject: RE: CASAC

Tony:

Thank you for the correction on the silica issue; I misread a Bloomberg article. One other question: When/how did you become aware that the Chamber had nominated you for a seat on the CASAC?

Regards,  
Sean

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**From:** [tcoxdenver@aol.com](mailto:tcoxdenver@aol.com) [[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)]  
**Sent:** Wednesday, October 17, 2018 11:14 PM  
**To:** Sean Reilly  
**Cc:** [Yeow.Aaron@epa.gov](mailto:Yeow.Aaron@epa.gov)  
**Subject:** Re: CASAC

Sean, I do not believe that I was ever sounded out by anyone in the Chamber. I am not currently doing any work for them. I do not recall ever providing services to them, although I recognize that 40 years of consulting and research is a long time.

You mentioned past work that you said I had done for the Chamber on issues such as OSHA's silica dust regs. My own recollection is that I did that work for the Crystalline Silica Panel of the American Chemistry Council. I am not sure how or whether they are connected to the Chamber, but I have not considered the Chamber a client. (My publications on crystalline silica list clients whose support made my research possible, but I do not believe the Chamber is one of them.)

Best,

-- Tony

-----Original Message-----

From: Sean Reilly <[sreilly@eenews.net](mailto:sreilly@eenews.net)>  
To: [tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)<[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)>  
Cc: Yeow.Aaron <[Yeow.Aaron@epa.gov](mailto:Yeow.Aaron@epa.gov)>  
Sent: Wed, Oct 17, 2018 7:31 pm  
Subject: RE: CASAC

Hi Tony:

I appreciate your getting back to me so quickly; this is very helpful. Just to make sure that I've understood correctly, is it accurate that neither Mr. Byers nor anyone else affiliated with the Chamber first sounded you out before nominating you for the CASAC? If so, when did you become aware that you were a candidate?

Also, as I'm not familiar with the application of federal ethics requirements to special government employees and am likely to get this question from an editor, are you currently doing any work for the Chamber? If not, when did you last provide any services to the Chamber, and in what capacity/subject area?

Thank you again,  
Sean

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**From:** [tcoxdenver@aol.com](mailto:tcoxdenver@aol.com) [[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)]  
**Sent:** Wednesday, October 17, 2018 8:37 PM  
**To:** Sean Reilly  
**Cc:** [Yeow.Aaron@epa.gov](mailto:Yeow.Aaron@epa.gov)  
**Subject:** Re: CASAC

Thanks, Sean. I was unaware of these details of the nomination process. I have no information about why Mr. Byers, or any other particular person or group, nominated me. (Although I do not know, I hope that it was because of my long-standing commitment to applying objective, transparent, data-driven science and analytics to address important risk analysis questions, along with my insistence on following wherever the data lead.)

I did not agree with anyone outside EPA to do anything for anyone as a condition of my nomination. I have made no commitments to anyone about CASAC, other than to the Administrator and EPA to do my best to assure that we give objective, dispassionate, high-quality scientific advice without regard for politics, policy, or other considerations that go beyond science.

To those who might question my objectivity, I would note first that the US EPA has an ethics program that I support and follow. Second, I have disclosed all potential conflicts of interest of which I am aware, including previous work for the EPA, USDA, WHO, industry, and universities. I am not beholden to any previous or current clients or organizations, as my only commitments as a consultant have been to discover and describe the truth as well as I can on matters involving various types of risks. My views on

how best to pursue objective scientific truth about risks using data and analytics are extensively documented and published in the open literature.

Please let me know if you have any other questions.

-- Tony

-----Original Message-----

From: Sean Reilly <[sreilly@eenews.net](mailto:sreilly@eenews.net)>

To: tcoxdenver <[tcoxdenver@aol.com](mailto:tcoxdenver@aol.com)>

Sent: Wed, Oct 17, 2018 6:05 pm

Subject: CASAC

Hi Tony:

I just wanted to let you know that we'll be running a story tomorrow based on newly obtained records that show you were nominated to CASAC last year by Dan Byers of the U.S. Chamber of Commerce.

Given that the Chamber has regularly opposed significant changes to air quality regs, such as the 2012 PM NAAQS, the 2015 Brick MACT, and the 2015 ozone NAAQS, what is your understanding of why Mr. Byers nominated you? Is it related to past work that you have done for the Chamber on issues such as OSHA's silica dust regs? Did you agree to do anything as a condition of the nomination? I will be sure to note your past comments that no decision has been made on potential revisions to the PM NAAQS, but how would you respond to those in the public health and environmental community who might question your objectivity as CASAC Chairman in conducting that review in light of your nomination by the Chamber?

My deadline 11:30 a.m. (ET) tomorrow.

Thanks very much,  
Sean

Sean Reilly  
Reporter  
E&E News  
Ph: 202-446-0433  
Cell: 202-316-4596  
Twitter: @SeanatGreenwire